

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

FELIX JOVANI DOMINGUEZ-BERRA

Date of Original Judgment: March 23, 2011

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 5:10-CR-329-1DUSM No: 54658-056

Suzanne Little

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____

Although one of the counts of conviction involved drugs, the court did not determine the guideline range using U.S.S.G. § 2D1.1. Rather, the court grouped defendant's drug and gun offenses and calculated his advisory guideline range using U.S.S.G. § 2K2.1(a)(6). Thus, the court did not use the drug table and a reduction is not proper.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated March 23, 2011 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 5/7/18

James C. Dever III
Judge's signature

Effective Date: November 1, 2015
(if different from order date)

James C. Dever III, Chief U.S. District Judge
Printed name and title